

Message

From: Saenz, Diana [Saenz.Diana@epa.gov]
Sent: 9/27/2016 4:54:55 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Welles, Laura [Welles.Laura@epa.gov]
Subject: RE: Whole Foods -- R6 CAFO

Agreed. I realize that is a lot of detail and likely not for today - but it is something we should remain aware of as a key principle for a good system as the discussion continues.

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From: Fogarty, Johnpc
Sent: Tuesday, September 27, 2016 12:49 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Saenz, Diana <Saenz.Diana@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods -- R6 CAFO

Thx. Not sure how much today is for getting into the details, although folks should definitely be ready to ask if it gets to that (although I am thinking it might be better for a separate followup to make sure we are comprehensive).

I see the main objective(s) for today are:

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Crossland, Andy
Sent: Tuesday, September 27, 2016 12:37 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Saenz, Diana <Saenz.Diana@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: FW: Whole Foods -- R6 CAFO

John-

Notes from Laura I thought you should see. A couple of good points that we might lead them to if they do not include in their presentation...

As to your tripod – They are all key elements. We need a little time to connect with Marcia, look at CA cases, and digest some of the info. I think we should be wary of saying anything definitive as to the list of elements, but rather perhaps offer that we could provide that to them as the first salvo in trying to move to settlement.

-Andy

Andy Crossland
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From: Welles, Laura
Sent: Tuesday, September 27, 2016 12:26 PM
To: Saenz, Diana <Saenz.Diana@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>
Subject: RE: Whole Foods -- R6 CAFO

Thanks for these documents.

I have just a few questions/thoughts re: WF after reading the 3007 response.

Ex. 5 AC/AWP/DP

2. The cover letter with the 3007 response indicates (see page 2, second to last paragraph) that WF (in wanting to set up a meeting with R6) “would like to discuss the substantial efforts the Whole Foods entities have made with respect to RCRA compliance. The entities have established compliant [HW] management programs in a number of states and are in the process of expanding these programs across the country. . . . we look forward to discussing these efforts with you and seeking your valued input.”

I’d like to touch base with Marcia about what they may have learned about these programs, but it might be worth asking today during the meeting.

Also – WF’s response to Request 7 of the 3007 (see top of page 6 of the Request) indicates that WF “is developing state-by-state [HW] determination guidance materials, like the [HW] determination guidance charts attached as Attachment C.

3. I’ve asked R6 for the penalty calculation so we’ll know how it was calculated. I also checked to see if Ann might have it, but she didn’t have it.

Let me know if you have any questions.

From: Saenz, Diana
Sent: Thursday, September 22, 2016 10:11 AM
To: Crossland, Andy <Crossland.Andy@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods -- R6 CAFO

Marcia sent these earlier – WF 3007 response and NM inspection report.

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From: Crossland, Andy
Sent: Thursday, September 22, 2016 9:53 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Cc: Saenz, Diana <Saenz.Diana@epa.gov>
Subject: RE: Whole Foods -- R6 CAFO

Wow – very good and fast work, Laura. I'll chat with Mike Barra today and Mark hopefully tomorrow. The CBI, I believe will have to come through the mail, but some of the other stuff we should be able to get quickly if someone besides Marcia has it. **Ex. 6 Personal Privacy (PP)**

-A

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From: Welles, Laura
Sent: Thursday, September 22, 2016 9:12 AM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Subject: RE: Whole Foods -- R6 CAFO

Andy,

I took a quick look at R6's CAFO with Whole Foods (there are multiple, but I focused on the Texas one because it had the implementation of electronic HW identification system in it) and here are some thoughts about questions, info, etc. to get from the region (these are in no particular order):

Ex. 5 AC/AWP/DP

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Also – below is language from the Consolidated Rules of Practice – Part 22 re: “where the parties agree to settlement of one or more causes of action before filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a CAFO.” 40 C.F.R. sections 22.13(b) and 22.18(b)(2).

Thanks,
Laura

§ 22.13 Commencement of a proceeding.

- (a) § 22.13(a) Any proceeding subject to these Consolidated Rules of Practice is commenced by filing with the Regional Hearing Clerk a complaint conforming to § 22.14.
- (b) § 22.13(b) Notwithstanding paragraph (a) of this section, where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a consent agreement and final order pursuant to § 22.18(b)(2) and (3).

From: Crossland, Andy
Sent: Wednesday, September 21, 2016 3:11 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Whole Foods -- R6 CAFO

That's the one.

Here is my entire file of Whole Foods documents... ☺

-A

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From: Welles, Laura
Sent: Wednesday, September 21, 2016 2:27 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Subject: Whole Foods -- R6 CAFO

Andy,

I just found the R6 CAFO – it's posted on their website (see below). I'll review the CAFO and think of items we may need from the region.

Thanks,
Laura

<https://www.epa.gov/tx/compliance-assurance-and-enforcement-documents-texas>

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